

THE HONORABLE RICARDO S. MARTINEZ

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

NIKOLAI WEDEKIND, derivatively on
behalf of COSTCO WHOLESALE
CORPORATION,

Plaintiff,

v.

HAMILTON E. JAMES, SUSAN
DECKER, KENNETH D. DENMAN,
RICHARD A. GALANTI, W. CRAIG
JELINEK, RICHARD M. LIBENSON,
JOHN W. MEISENBACH, CHARLES T.
MUNGER, JEFFREY S. RAIKES, JOHN
W. STANTON, and MARY AGNES
WILDEROTTER,

Defendants,

and

COSTCO WHOLESALE
CORPORATION,

Nominal Defendant.

Civil Action No. 2:18-cv-01777

**STIPULATION EXTENDING
STAYING OF ACTION AND ORDER
THEREON**

STIPULATION EXTENDING STAYING OF ACTION AND ORDER THEREON

WHEREAS, on December 11, 2018, Plaintiff Nikolai Wedekind ("Plaintiff") filed the above captioned shareholder derivative action (the "Action") on behalf of Costco Wholesale Corporation ("Costco" or the "Company");

1 WHEREAS, the Action alleges claims of breaches of fiduciary and unjust enrichment
2 against current and former directors of Costco (collectively with Nominal Defendant Costco, the
3 “Defendants”);

4 WHEREAS, there exists a factually related federal securities class action captioned
5 *Johnson v. Costco Wholesale Corporation, et. al.*, Case No. 2:18-cv-01611-TSZ (the “Securities
6 Class Action”) currently pending before this Court;

7 WHEREAS, the allegations in the Action arise from the same or substantially similar
8 facts, occurrences and transactions as those in the Securities Class Action;

9 WHEREAS, on January 22, 2019, the Court entered a stipulation and order staying the
10 Action pending a resolution of the motion to dismiss in the Securities Class Action;

11 WHEREAS, defendants’ motion to dismiss the Securities Class Action was granted with
12 prejudice and judgement was entered on August 19, 2020;

13 WHEREAS, on September 17, 2020, the plaintiffs in the Securities Class Action filed a
14 Notice of Appeal to the United States Court of Appeals for the Ninth Circuit (the “Appeal”); and

15 WHEREAS, the Parties believe that that the efficient prosecution of the Action will be
16 served by maintaining the stay of the Action pending a ruling on the Appeal.

17 Now, therefore, the Parties hereto stipulate and the Court ORDERS as follows:

18 1. The Action is stayed against all Defendants until entry of an order resolving the
19 Appeal.

20 2. The Parties agree that if a plaintiff in any related derivative lawsuit refuses to agree
21 to a stay under similar terms, Plaintiff may lift the agreed stay upon ten (10) days’ notice in
22 writing.

23 3. Within thirty (30) days of the termination of the stay, the parties shall meet and
24 confer concerning a schedule for further proceedings and, should an agreement be reached, the
25 parties will submit a joint proposed schedule for the Court within thirty (30) days of the
26 termination of the stay.

IT IS SO STIPULATED

Dated: September 25, 2020

THE WEISER LAW FIRM, P.C.

s/ James M. Ficaro

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s/ Duncan C. Turner

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Counsel for Plaintiff

Dated: September 25, 2020

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P.C.

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Counsel for Defendants

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: September 30, 2020.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE